

U.S. Department of Justice



*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

February 28, 2024

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *New York Legal Assistance Group v. Social Security Administration*, No. 23 Civ. 9363 (ALC)

Dear Judge Carter:

This Office represents the defendant Social Security Administration (“SSA”) in this action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). I write, with Plaintiff’s consent, to request a 30-day extension of the deadline for the SSA to respond to the complaint, from March 1, 2024, to April 1, 2024.

As background, Plaintiff filed the complaint in this action on October 24, 2023. The 40-page complaint contains over 200 paragraphs and asserts the following four claims: (i) a FOIA claim challenging the SSA’s purported pattern and practice of denying fee waivers to requesters that satisfy the statutory and regulatory criteria; (ii) a FOIA claim concerning the withholding of records responsive to two of NYLAG’s requests; (iii) a FOIA claim concerning the allegedly improper denial of the fee waivers concerning the aforementioned two FOIA requests; and (iv) a claim brought pursuant to the proactive disclosure provision contained within FOIA, *see* 5 U.S.C. § 552(a)(2), concerning the SSA’s Program Operations Manual System (“POMS”), administrative messages (“AMs”), and emergency messages (“EMs”).

Since the filing of the complaint, the SSA has completed its response to the two aforementioned FOIA requests, producing hundreds of pages of records to Plaintiff, without charge.

At present, the SSA’s deadline to respond to the complaint is March 1, 2024. The SSA respectfully requests an additional 30 days, or until April 1, 2024, to respond to the complaint. This extension request will allow the SSA additional time to prepare its response to the claims asserted in the complaint and potentially narrow the issues to be raised before the Court.

This is the SSA’s third request for an extension of the deadline to respond to the complaint. The Court granted the prior requests on November 21, 2023, and January 31, 2024. (*See* ECF No. 13, 15). Plaintiff consents to the requested extension. The requested extension will not affect any other scheduled dates in this case.

I thank the Court for its consideration of this request.

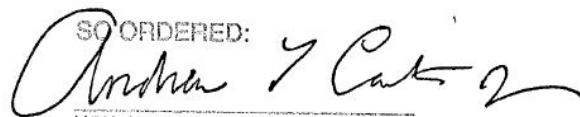
Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

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Counsel for the SSA

cc: counsel for Plaintiff (via ECF)

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: February 28, 2024
New York, NY